

Town Board Minutes

**Meeting
No. 32**

Regular Meeting

NOVEMBER 1, 1999

Town Board Minutes

November 1, 1999

Meeting No. 32

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at Lancaster, New York on the 1st day of November, 1999 at 8:00 P.M. and there were

PRESENT: NEIL CONNELLY, COUNCIL MEMBER
WILLIAM MARYNIEWSKI, COUNCIL MEMBER
MARK MONTOUR, COUNCIL MEMBER
DONNA STEMPNIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: ROBERT THILL, TOWN CLERK
ROBERT LABENSKI, TOWN ENGINEER
RICHARD SHERWOOD, TOWN ATTORNEY
JEFFREY SIMME, ASSISTANT BUILDING INSPECTOR
JOHANNA COLEMAN, RECEIVER OF TAXES
CHRISTINE FUSCO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT

PERSONS ADDRESSING TOWN BOARD:

Bastian, Norman, 5747 Genesee Street, spoke to the Town Board on the following matter:

- Pickup of garbage by Waste Management.

Fliss, Daniel, President of the Lancaster Volunteer Ambulance Corp. spoke to the Town Board on the following matter:

- The formation of an Emergency Management Team.

Kuhlney, Scott, training officer of the Lancaster Volunteer Ambulance Corp, spoke to the Town Board on the following matter:

- Training under the Emergency Management Team.

Friderick, Daniel, 4 Michael Anthony Lane, spoke to the Town Board on the following matter:

- Wetland disturbance behind his home on Michael Anthony Lane.

Todara, Marlene, 62 Northwood Drive, spoke to the Town Board on the following matter:

- Accused the Town Board of not standing up for the concerns of the residents.

Schneggenburger, Roy, 87 Stony Road, spoke to the Town Board on the following matter:

- Questioned approval of minutes of October 18, 1999.

Mazuca, Michael, 7 Michael Anthony Lane, spoke to the Town Board on the following matter:

- Wetland disturbance behind homes on the north side of Michael Anthony Lane.

Pawlik, Julie, 46 Michael Anthony Lane, spoke to the Town Board on the following matter:

- Wetland disturbance behind homes on the north side of Michael Anthony Lane.

Sarnowski, Michael, 48 Michael Anthony Lane, spoke to the Town Board on the following matter:

- Wetland disturbance behind homes on the north side of Michael Anthony Lane.

Catalano, Judy, 570 Park Club Lane, Amherst, spoke to the Town Board on the following matter:

- Wetland disturbance behind homes on the north side of Michael Anthony Lane.

Joyce, Ron, 40 Michael Anthony Lane, spoke to the Town Board on the following matter:

- Wetland disturbance behind homes on the north side of Michael Anthony Lane.

PUBLIC HEARING SCHEDULED FOR 8:00 P.M.:

At 8:00 P.M., the Town Board held a Public Hearing to hear all interested persons upon the proposed 2000 Preliminary Budget.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPONENTS

None

OPPONENTS

None

COMMENTS & QUESTIONS

Roy Schneggenburger

Michael Mazuca

ADDRESS

87 Stony Road

7 Michael Anthony Lane

ON MOTION BY COUNCIL MEMBER MONTOUR, AND SECONDED BY COUNCIL MEMBER CONNELLY AND CARRIED, by unanimous voice vote, the Public Hearing was closed at 8:30 P.M.

PUBLIC HEARING SCHEDULED FOR 8:30 P.M.:

At 8:30 P.M., the Town Board held a Public Hearing to hear all interested persons upon the 2000 Special Districts Budget.

Affidavits of Publication and Posting of a Notice of a Public Hearing were presented and ordered placed on file.

PROPOSERS

None

OPPOSERS

None

COMMENTS & QUESTIONS

Roy Schneggenburger

ADDRESS

87 Stony Road

ON MOTION BY COUNCIL MEMBER MARYNIEWSKI, AND SECONDED BY COUNCIL MEMBER STEMPNIAK AND CARRIED, by unanimous voice vote, the Public Hearing was closed At 8:35 P.M.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER CONNELLY, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

RESOLVED, that the minutes from the Joint Meeting of the Town Board and
the Planning Board held on October 18, 1999, and the Regular Meeting of the Town Board
held on October 18, 1999, be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

| | |
|----------------------------|-----------|
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER MARYNIEWSKI | VOTED YES |
| COUNCIL MEMBER MONTOUR | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

November 1, 1999

File: RMIN (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MONTOUR, TO WIT:

WHEREAS, Dana Warman, PO Box 865, Buffalo, New York 14213, has
applied to the Town Board of the Town of Lancaster for permits to construct Public
Improvements upon real property in the Town of Lancaster within Walnut Creek Subdivision,
Phase II, Part 2,

WHEREAS, the Town Engineer of the Town of Lancaster has certified
on the following permit applications that he has reviewed the improvement plans and permit
applications for the installation of the public improvements requested, and that they conform
to the Ordinances of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Public Improvement Permit Application Nos. 503, 504 and
505 of Dana Warman, PO Box 865, Buffalo, New York 14213, for the installation of:

| | |
|-------------------------------------|---|
| P.I.P. No. 503 (Storm Sewers) | Walnut Creek Subdivision Phase II Part 2 550 LF of 15 " pipe, 205 LF of 18" pipe, 4 man holes and 2 road receivers, back yard drainage 268 LF of 6" pipe, 410 LF of 8" pipe and 7 rear yard drains. |
| P.I.P. No. 504 (Water Line) | Walnut Creek Subdivision Phase II Part 2 463 LF \pm of 8" pipe and 1 hydrant. |
| P.I.P. No. 505 (Detention Basin) | Walnut Creek Subdivision Phase II Part 2 Detention Basin. |

be and are hereby authorized.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

| | |
|----------------------------|-----------|
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER MARYNIEWSKI | VOTED YES |
| COUNCIL MEMBER MONTOUR | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

November 1, 1999

File: RPIP (P3)

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL MEMBER
MARYNIEWSKI, TO WIT:

WHEREAS, the Executive Director of the Youth Bureau, by letter dated
October 27, 1999, has recommended the appointment of Neda Abdallah to the position
of Tutor with the Youth Bureau of the Town of Lancaster,

NOW, THEREFORE, BE IT

RESOLVED, that Neda Abdallah, 17 Idlebrook Court, Lancaster, New York
is hereby appointed to the position of Tutor with the Town of Lancaster Youth Bureau,
effective November 3, 1999 with a salary of \$10.00 per hour, and,

BE IT FURTHER

RESOLVED, that the Supervisor of the Town of Lancaster take the
necessary action with the Personnel Officer of the County of Erie to accomplish the foregoing.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

| | |
|----------------------------|-----------|
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER MARYNIEWSKI | VOTED YES |
| COUNCIL MEMBER MONTOUR | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

November 1, 1999

File: Rpers.tutor (P1)

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER MARYNIEWSKI, TO WIT:

WHEREAS, it is in the public interest of the Town of Lancaster to complete and file its Community Development Project Description Forms for community development funding for the year 2000-2001, and

WHEREAS, a public hearing was held by the Town Board of the Town of Lancaster on October 19, 1998 to elicit from the public comments relative to the use of 2000-2001 Community Development Block Grant funds;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and is hereby authorized and directed to execute and file the required 2000-2001 Community Development Project Description Application Forms for the year 2000-2001 for approval and execution of contract with the Erie County Community Development Block Grant Program, as follows:

1. Doors for the Lancaster Library (Lancaster Branch and Depew Branch) ADA Improvement Project; and
2. Main Street, Depew Curb and Sidewalk Replacement and Beautification Project

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|----------------------------|-----------|
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER MARYNIEWSKI | VOTED YES |
| COUNCIL MEMBER MONTGOMERY | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

November 1, 1999

File: rcdbg.n99

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MONTOUR, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPNIAK, TO WIT:

WHEREAS, the State of New York Department of Transportation has notified the Town of Lancaster of the proposed reconstruction of Walden Avenue east from Conrail Overpass to CR341, Cemetery, also known as Route 952Q and further identified as Capital Project Identification No. 5753.77, will be let for bid in 2000, and

WHEREAS, as part of this project the Town must identify town owned facilities which may be affected by the reconstruction, and

WHEREAS, work being done under Contract Items requires a resolution and certification by the Town Board pursuant to the terms of the Utility Work Agreement for adjustments to town owned facilities;

NOW, THEREFORE, BE IT

RESOLVED, as follows:

1. That the Town Board of the Town of Lancaster hereby grants the State of New York authority to perform the adjustment for the Town of Lancaster and further that the Town of Lancaster agrees to maintain the facilities adjusted via State-let contract, and

2. That the Supervisor be and is hereby directed to execute the aforementioned Utility Work Agreement for this project.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

| | |
|----------------------------|-----------|
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER MARYNIEWSKI | VOTED YES |
| COUNCIL MEMBER MONTOUR | VOTED YES |
| COUNCIL MEMBER STEMPNIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

November 1, 1999

File: rdotwldn.n99

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER MONTOUR, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid
from their respective accounts as per abstract to be filed in the Office of the Town Clerk by the
Director of Administration and Finance, to wit:

Claim No. 11383 to Claim No. 11567 Inclusive

Total amount hereby authorized to be paid: \$535,716.48

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call which resulted as follows:

| | |
|----------------------------|-----------|
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER MARYNIEWSKI | VOTED YES |
| COUNCIL MEMBER MONTOUR | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

November 1, 1999

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER MARYNIEWSKI, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER CONNELLY, TO WIT:

RESOLVED that the following Building Permit Applications be and are hereby
approved and the issuance of these Building Permits be and are hereby authorized:

CODES:

(SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town Lancaster are
waived for this permit.

(CSW) = Conditional sidewalk waiver.

NEW PERMITS:

| Pmt # | SW | Applicant Name | Address | Structure |
|-------|----|-----------------------|------------------------|---------------------|
| 6431 | | Smosna, Kevin | 57 Tomahawk Trl | Er. Shed |
| 6432 | | Rozanski, Thomas | 561 Pleasant View Dr | Res. Addition |
| 6433 | | Dowling, Joseph | 568 Pavement Rd | Er. Garage |
| 6434 | | Genuine Parts Co Inc | 4901 Transit Rd | Er. Com Bldg |
| 6435 | | Lahnen, Douglas | 54 Westwood Rd | Er. Pool |
| 6436 | | Lahnen, Douglas | 54 Westwood Rd | Er. Fence |
| 6437 | | Town of Lancaster IDA | 338 Harris Hill Rd | Er. Temp. Sign |
| 6438 | | Highway, Gerald Jr | 574 Ransom Rd | Er. Sin. Dwlg |
| 6439 | | Goss, Carl | 6489 Broadway | Res. Alteration |
| 6440 | | Hillview Estates Dev | 23 Hill Valley Dr | Er. Sin. Dwlg |
| 6441 | | DelBel John | 9 Harewood Run | Er. Shed |
| 6442 | | First United Meth Ch | 517 Central Ave | Er. Deck |
| 6443 | | Skubinski, Joseph | 6 Hampton Ct | Er. Fireplace/Stove |
| 6444 | | Tabaczynski, David | 185 Pavement Rd | Er. Pool |
| 6445 | | Tabaczynski, David | 185 Pavement Rd | Er. Fence |
| 6446 | | Ferry, Walter | 167 Nathan's Trl | Er. Shed |
| 6447 | | DiFranco, Ross | 300 Enchanted Forest N | Er. Shed |
| 6448 | | Janish, John | 91 Michael's Walk | Er. Pool |
| 6449 | | Janish, John | 91 Michael's Walk | Er. Fence |
| 6450 | | Marrano/Marc Equity | 47 Woodgate Dr | Er. Fence |
| 6451 | | Grant, William | 4889 William St | Er. Garage |
| 6452 | | Hannah, Martin | 33 Sagebrush Ln | Er. Fence |
| 6453 | | Schmitz, Ronald | 463 Pleasant View Dr | Er. Pool |
| 6454 | | Schmitz, Ronald | 463 Pleasant View Dr | Er. Fence |
| 6456 | | Ryan Homes Inc | 55 Michael Anthony Ln | Er. Sin. Dwlg |
| 6457 | | Budzinski, Michael | 10 Bentley Cir | Er. Fence |
| 6458 | | Schoenhardt, James | 5102 William St | Res. Addition |

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby approved with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the following resolution was duly put to a vote on roll call which resulted as follows

| | |
|----------------------------|-----------|
| COUNCIL MEMBER CONNELLY | VOTED YES |
| COUNCIL MEMBER MARYNIEWSKI | VOTED YES |
| COUNCIL MEMBER MONTOUR | VOTED YES |
| COUNCIL MEMBER STEMPIAK | VOTED YES |
| SUPERVISOR GIZA | VOTED YES |

November 1, 1999

File:Rbldg2

COMMUNICATIONS:

599. Eastwood Association, Inc to Town Board -
Advisal that Eastwood Village Association is not a supporter of C.A.R.S.
DISPOSITION= Received & Filed
600. Council Member Montour to Benderson Development Co. Inc. -
Request confirmation that certain unresolved issues have been addressed.
DISPOSITION= Received & Filed
601. Deputy Commissioner of Real Property to Supervisor -
Request delivery of 2000 Town Budget Summary to County one week prior to last
Tuesday of November. DISPOSITION= Supervisor
602. Cheektowaga Town Clerk to Town Clerk -
Transmittal of a copy of a resolution re: rezoning decision for 5074 Transit Road.
DISPOSITION= Town Clerk
603. NYS Dept. of Transportation to Supervisor -
Notice of availability of Final Impact Statement re: Broadway road work project
from Transit to Lancaster east Village line. DISPOSITION = Town Engineer
604. Cornelius Hanes to Supervisor, Town Board -
Request denial of rezone for NEC Transit/William LLC. DISPOSITION = Planning
Committee
605. Town Clerk to Zoning Board Members, Building Inspector and Dep. Town Attorney -
Transmittal of variance petitions for meeting to be held November 11, 1999.
DISPOSITION= Received & Filed
606. Youth Bureau Executive Director to Supervisor -
Request appointment of Neda Avdallah to position of tutor. DISPOSITION=
Received & Filed
607. Daniel Frederick to Supervisor and Council Members -
Transmittal of petitions requesting stoppage of Bella Vista Wetlands Project.
DISPOSITION = Planning Committee
608. Mike Kapsiak to Supervisor and Council Members -
Transmittal of petitions requesting stoppage of Bella Vista Wetlands Project.
DISPOSITION = Planning Committee
609. Chairman of Safety Steering Committee to Town Board -
Transmittal of Minutes of meeting from October 21, 1999. DISPOSITION=
Received & Filed
610. Town Clerk to Town Board -
Transmittal of application for a 2000 license to operate a salvage yard for Ed
Henning Inc.. DISPOSITION = Planning Committee, Town Clerk
611. Town Clerk to Town Board -
Transmittal of application for a 2000 license to operate a salvage yard for AJ's Auto
Wrecking. DISPOSITION= Planning Committee, Town Clerk
612. Town Clerk to Town Board -
Transmittal of application for a 2000 license to operate a salvage yard for Ransom
Auto Parts. DISPOSITION= Planning Committee, Town Clerk
613. Erie County Dept. of Environment and Planning to Town Board -
Conveyance of *Guiding Principles for County-wide Land Use Planning*.
DISPOSITION= Received & Filed
614. Town of Lancaster Industrial Development Agency to Supervisor -
Notification of public hearing re: consideration for financial assistance requested by
Gary Holland Sales Project. DISPOSITION= Received & Filed

615. Traffic Dept. Manager, Fisher Associates to Town Board -
Transmittal of minutes from meeting re: NY Route 78 Access Management Study -
Phase I. DISPOSITION = Town Engineer
616. NYS Dept. of State to Supervisor -
Notification of free training for local government officials and employees re: a
terrorist event on American soil. DISPOSITION = George MacPeck
617. U.S. Dept. of Housing & Urban Development to Supervisor -
Notification of a Local Community Builder Training Program. DISPOSITION=
Received & Filed
618. Phyllis Greco & Jane Firestone to Supervisor & Council Members -
Express appreciation for creation of a "Memorial Garden" at Westwood Park.
DISPOSITION= Received & Filed
619. STOP-DWI Office to Town Board -
Notice of a briefing re: 1999 legislative changes to the state's DWI laws.
DISPOSITION = Police Chief
620. Town Clerk to Town Board -
Transmittal of application for a 2000 license to operate a salvage yard for Advantage
Trucks & Salvage Inc. DISPOSITION = Planning Committee, Town Clerk

ADJOURNMENT:

ON MOTION OF COUNCIL MEMBER MARYNIEWSKI AND SECONDED BY THE
ENTIRE TOWN BOARD AND CARRIED, the meeting was adjourned at 9:30 P.M.

Signed Robert P. Thill
Robert P. Thill, Town Clerk